

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Paul Michaud,

Plaintiff,

vs.

Synchrony Bank, N.A.,

Defendant.

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Case No.: _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Synchrony Bank (erroneously sued as “Synchrony Bank, N.A.”) (“Synchrony”) hereby notices removal of the state court civil action known as *Paul Michaud v. Synchrony Bank, N.A.*, filed in the Fourth Judicial District Court, County of Hennepin, State of Minnesota, to the United States District Court for the District of Minnesota, and in support thereof states as follows.

1. On or about March 24, 2021, Plaintiff Paul Michaud (“Plaintiff”) served a Complaint against Synchrony, prepared for filing the Fourth Judicial District Court, County of Hennepin, State of Minnesota (the “State Court”). In compliance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders served upon Synchrony is attached hereto as **Exhibit 1**.

2. Except for the notice filed with respect to this Notice of Removal, as of the date of this filing, no pleadings, motions or papers have been filed with the State Court in this action.

3. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Synchrony has satisfied the procedural requirements for removal, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331.

GROUND FOR REMOVAL

I. Synchrony Has Satisfied the Procedural Requirements for Removal.

4. Synchrony first received a copy of the Summons and Complaint on March 24, 2021. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(3) because Synchrony is filing its Notice of Removal within 30 days of its receipt of the initial pleading setting forth the claim for relief upon which such action is based.

5. This Court is the proper division because it embraces the State Court where Plaintiff's action was intended to be filed. *See* 28 U.S.C. §§ 1441 and 1446(a).

6. No previous request has been made for the relief requested herein.

7. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed with the State Court Clerk.

II. Removal Is Proper Because This Court Has Subject Matter Jurisdiction.

8. Under 28 U.S.C. § 1331, United States District Courts are vested with jurisdiction to consider cases or controversies "arising under" the laws of the United States of America. *See* 28 U.S.C. § 1331.

9. Removal of such cases is governed by 28 U.S.C. § 1441(b). Section 1441(b) makes clear that a case brought in state court, raising a federal question, "*shall* be removable" to the United States District Courts "without regard to the citizenship or residence of the parties." 28 U.S.C. § 1441(b) (emphasis added).

10. Here, Plaintiff's Complaint alleges violations of the Telephone Consumer Protection Act 47 U.S.C. § 227 *et seq.* Ex. A, Complaint.

11. To the extent that any other claims in this action may arise under state law, supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. § 1367.

12. Given that the requirements for federal question jurisdiction are satisfied, this case is properly removed.

WHEREFORE, Synchrony, by counsel, respectfully requests that the above-referenced action, intended to be filed in the Fourth Judicial District Court, County of Hennepin, State of Minnesota, be removed to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Dated: April 14, 2021

**ANTHONY OSTLUND
BAER & LOUWAGIE, P.A.**

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Attorneys for Defendant Synchrony Bank

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of April, 2021, the foregoing was served by first class mail upon the following:

Kimberly Zillig
Andrew C. Walker
Walker & Walker Law Offices, PLLC
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Minneapolis, MN 55409

/s/ Joseph T. Janochoski
Joseph T. Janochoski